

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
Washington 25, D. C.

BULLETIN NO. 1944-45:10

March 28, 1945

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Legislation in appropriation language

1. Attention is invited to the following paragraphs from a letter written by the Chairman of the House Appropriations Committee to the Director of the Bureau of the Budget after discussion of the 1946 Independent Offices Bill on the floor of the House--

Anent general provisions lacking substantive law support, whether they have been carried heretofore or not, I feel that your Bureau should canvass the several departments and agencies which are or would be affected thereby as to their respective needs as regards the contents of such provisions, and then, where warranted by the circumstances, that a recommendation for legislation should be formally transmitted to the Speaker.

Never in my experience have I observed so much opposition to legislation on appropriation bills. That applies, not alone to general provisions, but to single items of appropriation to which legislation is attached. I have noticed a number in the latter category in the course of the hearings presently under way on the First Deficiency Appropriation Bill, 1945. Unless essential to the effectiveness of an appropriation for some unforeseeable emergent situation, legislation should be sought in advance of the request for funds.

and to the following remarks made by the Chairman of the House Appropriations Committee on the floor of the House (page 2713, Congressional Record, March 23, 1945).

But I would like to take advantage of the opportunity to add as an individual member of the committee that in view of the fact that points of order have been so persistently raised on this bill that the Committee on Appropriations should in the future, notwithstanding the needs of the departments in the transaction of their routine business, be like Caesar's wife; innocent of even the implication of any infringement upon any rule or practice of the House. I should like to give notice to the departments, to the legislative committees of the House and to all concerned that in the next session nothing will be included in any appropriation bill, however customary or however urgent, that is not specifically authorized by law. I trust this notice is in ample time to permit any department to make application to legislative committees having jurisdiction, and in time for such committees to report such authorization, if they so

2. Steps should be taken immediately to review the appropriation language submitted in the 1946 Budget and amendments thereto which affect your department or establishment to ascertain what provisions incorporated therein are legislative in nature and therefore subject to a point of order, as, for example, waivers of existing laws and grants of special privileges. The review should include general provisions (such as those carried at the end of the Independent Offices Chapter of the Budget, pages 116 and 117) as well as the specific appropriation items for your department or establishment.

Proposed legislation should be submitted to the Bureau, not later than April 21, 1945, for all those provisions which are required on a permanent basis for the operation of your department or establishment.

3. Legislation should also be submitted at the same time for additional authority which will be required in 1947, and which would be subject to a point of order.

4. You will be advised as soon as possible as to what provisions should be incorporated in general legislation covering all Government agencies and what provisions should be incorporated in legislation pertaining only to your department or independent establishment.

HAROLD D. SMITH
Director